

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LINDE, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 3:17-cv-00854
	)	Judge Trauger
SODEXO CTM LLC <i>formerly known as</i>	)	
<i>Patriot Medical Technologies of Ohio,</i>	)	
	)	
Defendant .	)	

**MEMORANDUM AND ORDER**

On June 11, 2018, the magistrate judge issued an Order denying the plaintiff's Motion to Amend Initial Case Management Order (Docket No. 35). The plaintiff has filed an Objection to the magistrate judge's ruling (Docket No. 36), and the defendant has filed a Response to the objection (Docket No. 37).

This ruling is related to a non-dispositive matter. Therefore, this court may reconsider the issue if the magistrate judge's ruling was clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Rule 72(a), Fed.R.Civ.P. This is a "limited standard of review." *Massey v. City of Ferndale*, 7 F.3d 506, 509 (6<sup>th</sup> Cir. 1993). A ruling is clearly erroneous "where it is against the clear weight of the evidence or where the court is of the definite and firm conviction that a mistake has been made." *Galbraith v. Northern Telecom, Inc.*, 944 F.2d 275, 281 (6<sup>th</sup> Cir. 1991) (internal citations omitted).

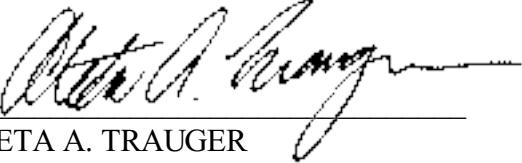
This court is of the opinion that "a mistake has been made" and therefore reverses the ruling by the magistrate judge. It seems clear that the "Transition Agreement", about which the plaintiff seeks written discovery and based upon which it seeks to file a motion to amend the

Complaint, was not in existence at the time that either of these deadlines passed. It appears to the court that the parties' briefing on the plaintiff's motion overly complicated the issue by complaining about discovery transgressions such that it was not clear to the magistrate judge that this agreement was not in existence in advance of these deadlines. Moreover, the court declines to find that the anticipated motion to amend to add a claim for breach of the covenant of good faith and fair dealing is futile when that issue is not squarely before the court.

For these reasons, it is hereby ORDERED that the written discovery deadline and deadline for the filing of motions to amend the pleadings is hereby EXTENDED to July 20, 2018. All other deadlines remain in place.

It is so **ORDERED**.

ENTER this 6<sup>th</sup> day of July 2018.



ALETA A. TRAUGER  
U.S. District Judge